

DEVELOPMENT REVIEW COMMITTEE –December 19, 2017
CONDITIONS OF APPROVAL

15531 Union Avenue.

Conditional Use Permit U-17-008

Requesting approval for a minor restaurant (Bowl of Heaven, Juice Bar) on property zoned C-1. APN 523-41-036.

PROPERTY OWNER: Donahue Schriber

APPLICANT: Eaton Hall Architects

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: The approved use is for a juice/smoothie/fruit bowl business without commercial cooking facilities or equipment.
5. HOURS OF OPERATION: Maximum hours of operation are Monday through Friday, 8:30 a.m. to 7:30 p.m.; Saturday and Sunday, 8:30 a.m. to 6:30 p.m.
6. DELIVERIES: Typical delivery times shall be between 8:00 a.m. and 11:00 a.m.; and between 4:00 p.m. and 7:00 p.m. at the rear (west) of the store.
7. NUMBER OF SEATS: The maximum number of seats shall not exceed seven.
8. CERTIFICATE OF USE AND OCCUPANCY: A Certificate of Use and Occupancy must be obtained prior to commencement of use.
9. BUSINESS LICENSE: A business license is required from the Town of Los Gatos Finance Department prior to commencement of use.
10. SIGN PERMIT: A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
11. ROOFTOP EQUIPMENT: Any new or modified roof mounted equipment shall be fully screened prior to issuance of an occupancy permit.
12. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

13. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Building Division

14. PERMITS REQUIRED: A combination building permit will be required for the demolition of interior finishes and the alteration of existing commercial building and interior finishes.
15. APPLICABLE CODES: The current codes as amended and adopted by the Town of Los Gatos as of January 1, 2017, are the 2016 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12.
16. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
17. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36".
18. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance for all interior and exterior modifications.
19. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
20. TITLE 24 ACCESSIBILITY – COMMERCIAL: For any proposed tenant improvement, on-site parking facility shall comply with the latest California Title 24 Accessibility Standards. Work shall include, but not be limited to, accessibility to building entrances from parking facilities and sidewalks.
21. TITLE 24 – RESTAURANT USE: Proper size grease trap shall be required for any restaurant use. The following agencies will review the grease trap requirements before issuance of the building permit:
 - a. West Valley Sanitation District (WVSD): (408) 378-2408
 - b. Environmental Health Department: (408) 885-4200
22. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building
23. BLUE PRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (24x36) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for an additional fee or at San Jose Blue Print for a fee or online at www.losgatosca.gov/building.
24. PLANS: The construction plans shall be prepared under the direct supervision of the licensed architect or engineer. (Business and Professionals Code Section 5538)

25. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
- a. Community Development – Planning Division: Sean Mullin (408)354-6823
 - b. Engineering/Parks & Public Works Department: Kevin Bagley (408) 395-5340
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.
 - f. Environmental Health Department: (408) 885-4200
26. ADVISORY COMMENTS: For Planning approval, the plans concept and proposed floor plan is sufficient. However, the plan details are insufficient for the Building Division Plan Check and Permit approval. Upon Planning approval please provide a detailed and comprehensive plan with consideration of the applicable General Comments listed above.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

Engineering Division

27. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.
28. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
29. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Owner/Applicant/Developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
30. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.

31. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner, Applicant and/or Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
32. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.